

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

Jimmy Lee HOSTMARK
Sammy Richard BLAKE
William Dean WINEGARDNER aka "Pony"
Jennifer Diane JONES

CRIMINAL COMPLAINT

CASE NUMBER: MJ-24-04430-PCT-CDB

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date described in Attachment A in the County of Coconino in the District of Arizona, the defendant committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment and Aid and Abet, in violation of Title 18, United States Code (U.S.C.) § 659 and 2, offense described as follows:

See Attachment A, Description of Count

I further state that I am a Special Agent for Homeland Security Investigations (HSI) and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

AUTHORIZED BY: Parker Stanley, AUSA

Brynna Cooke, SA for HSI

Name of Complainant

BRYNNA M COOKE Digitally signed by BRYNNA M COOKE
Date: 2024.12.09 11:16:59 -07'00'

Signature of Complainant

Sworn to telephonically before me

December 9, 2024

Date

at Flagstaff, Arizona

City and State
Camille D.

Bibles

Signature of Judicial Officer

HONORABLE CAMILLE D. BIBLES

United States Magistrate Judge

Name & Title of Judicial Officer

Digitally signed by Camille
D. Bibles
Date: 2024.12.09 12:46:06
-07'00'

ATTACHMENT A
DESCRIPTION OF COUNT
COUNT 1

Theft from Interstate Shipment

On December 6, 2024, in the District of Arizona, Jimmy Lee HOSTMARK, Sammy Richard BLAKE, William Dean WINEGARDNER aka “Pony”, and Jennifer Diane JONES knowingly possessed goods and chattels, to wit: Nike Shoes, of a value in excess of \$1000.00, which had been stolen from a BNSF train while moving in interstate commerce from California to Arizona, knowing the said goods and chattels to be stolen.

All in violation of Title 18, United State Code, Section 659 and 2.

ATTACHMENT B

STATEMENT OF PROBABLE CAUSE

I, Brynna Cooke, a Special Agent for Homeland Security Investigations (HSI), being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with HSI and have been so employed since April 2024. Prior to my employment with HSI, I served as a United States Customs and Border Protection Officer for approximately four years. I am a law enforcement officer of the United States, and I am empowered by law to conduct criminal investigations, make arrests, and serve search and arrest warrants.

2. As a Special Agent with HSI, your Affiant investigates criminal violations of United States law, including import and export violations, controlled substances law violations, and money laundering violations. Your Affiant is familiar with investigations involving stolen vehicle organizations, theft ring investigations, possession, manufacture, distribution, and importation of controlled substances, as well as methods used to finance drug transactions. As an HSI Special Agent, your Affiant has been trained in conducting narcotics and money laundering investigations and received specialized training concerning violations of the Controlled Substances Act contained within Title 21 of the United States Code. I am currently assigned to the HSI Flagstaff Office located in Flagstaff, Arizona, where we investigate transnational criminal organizations to include money laundering and drug trafficking organizations operating throughout the United States.

3. By virtue of my employment as a Special Agent, your Affiant has performed various tasks, which include, but are not limited to:

- a. functioning as a surveillance agent, thus observing and recording movements of persons involved in violations of United States Code as well as violations of Arizona State law;

- b. functioning as a case agent, entailing the supervision of specific investigations involving various crimes throughout the United States; and
- c. conducting complex investigations involving transnational criminal organizations committing various crimes throughout the United States.

4. I have consulted with other experienced investigators concerning the practices of transnational criminal organizations and the best methods of investigating them. In preparing this affidavit, I have conferred with other Special Agents and law enforcement officers. Furthermore, I have personal knowledge of the following facts or have learned them from the individual(s) mentioned herein.

5. Based on the below facts, your Affiant submits there is probable cause that Jimmy Lee HOSTMARK, Sammy Richard BLAKE, William Dean WINEGARDNER aka “Pony”, and Jennifer Diane JONES committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment and Aid and Abet, in violation of Title 18, United States Code (U.S.C.) § 659 and 2.

BACKGROUND

6. Over the past fifteen years, several Transnational Criminal Theft Organizations have been burglarizing BNSF Railway and Union Pacific trains throughout the Southwest of the United States to include Arizona. These organizations consist primarily of Mexican citizens from the Mexican State of Sinaloa who operate out of Arizona and California, with extensive connections throughout California, Arizona, and New Mexico. The train burglaries have increased in frequency over the past two years.

7. The suspects usually scout high value containers on the BNSF railway on Eastbound trains that parallel Interstate 40 near Needles, California. Once the organization targets a particular train of interest, they typically find a location for several train burglars to get on the train. Once on the train, the burglars open container doors while the train is moving and target merchandise to steal such as electronics, tools, and footwear. The burglars often target containers with visible high-security locks and use reciprocating saws, bolt-cutters, or similar tools to defeat the locking mechanisms. Once the burglars target a specific container that has desirable merchandise, the burglars on the train communicate

with follow vehicles utilizing cellular devices, and those follow vehicles surveil the train until it stops, or the burglars will cause the train to stop to unload the freight. The suspects often cut the train braking system air hose, which causes the train to go into an emergency stop (commonly referred to as “UDE”), which is a sudden and dramatic application of all the brakes on the train. By cutting an air hose, the burglars can control when and where the train is stopped to unload the cargo they target to burglarize. This act is very dangerous and can cause a train to derail, which could ultimately cause serious injury or death to BNSF employees or citizens. The suspects have also sabotaged the train signal system by cutting the locks off signal boxes and then by cutting the control wires inside. This is also a dangerous act that creates dark areas on the rail network, requiring non-traditional train dispatching functions and extensive repairs. High-value trains travel at speeds up to 70 MPH on multiple tracks in both east and west directions. The train crews and train dispatchers rely on the signals for safe transportation.

8. Once the burglars unload the merchandise from the container that is on the train, the burglars often hide the product in fields or brush adjacent to the BNSF tracks to conceal it until it can be picked up later. The location of the stolen merchandise is then shared by the train burglars with the use of cellular devices to the surveillance crew who are following the train. The organization will then send box trucks to pick up the stolen merchandise if law enforcement is not detected. Often, the box trucks used by the organization were found to have been stolen with their Vehicle Identification Number (VIN) swapped. Once the stolen merchandise has been picked up, it is usually transported to California where it is sold or fenced to wholesale online retailers such as third-party Amazon and eBay resellers.

CURRENT INVESTIGATION

9. BNSF Agent Derrick Porter told your Affiant that on December 04, 2024, at approximately 8:30 am, Agent Porter was notified that a passing BNSF train observed approximately 200-250 boxes of Nike shoe master cases next to the railroad tracks in Yampia, Arizona near railway mile post 451.

10. HSI Special Agent (SA) Chris Foster told your Affiant that on December 6, 2024, he went to the burglary site located at Yampia, Arizona near railway mile post 451 earlier in the day prior to the theft. Special Agent Foster told your Affiant he observed Nike master cases hidden on the lower part of a steep incline as well as other Nike shoe master cases hidden in the adjacent brush line. SA Foster observed the style number HF5441-107 on the Nike shoe master cases.

11. Your Affiant learned the following information from BNSF Agent Derrick Porter:

- a. On December 06, 2024, at approximately 12:47 pm, Agent Porter notified HSI Agents that a passing BNSF train observed a white pickup truck with a black trailer loading Nike shoes near mile post 451.
- b. Yavapai County Sheriff's Office (YCSO) Deputies were then notified of the event in progress and were responding to the location. YCSO requested assistance from Arizona Department of Public Safety (DPS) to assist locating and stopping the vehicles allegedly involved in the reported theft.

12. On December 06, 2024, at approximately 1:30 p.m., your Affiant drove east on Route 66 from Kingman to the location reported by Agent Porter where the white truck towing a black trailer was last seen. At approximately 1:50 p.m., your Affiant observed a white, two-door pickup truck, occupied by two individuals towing a black open-top trailer filled with cardboard boxes that appeared to be Nike shoe master cases and a red Dodge pickup truck with plywood walls in the bed of the truck filled with what appeared to be Nike shoe master cases traveling in tandem westbound on Route 66 near mile marker 69.

13. Your Affiant turned around and began following the two vehicles. At approximately mile marker 67, your Affiant observed the red Dodge pickup truck pass the white truck and trailer and continue westbound on Route 66.

14. Your Affiant continued following the white truck and trailer. Your Affiant observed an Arizona Department of Public Safety (DPS) marked car on the side of the road pull onto Route 66 westbound behind your Affiant following the white truck and trailer.

15. Your Affiant passed the white truck and trailer near mile marker 65. Your Affiant turned around and pulled over to where DPS conducted a traffic stop on the white pickup truck and trailer. By the time your Affiant arrived, Jimmy Lee HOSTMARK and Sammy Richard BLAKE were in DPS custody. Your Affiant observed that the truck bed and trailer were filled with Nike shoe master cases in plain view.

16. Your Affiant was notified by DPS Sergeant Clark that DPS had stopped a red truck traveling on Interstate 40 with two individuals. DPS Sergeant Clark stated that the red truck had boxes in it as well. Your Affiant, with concurrence of DPS Sergeant Clark, decided to move both the red truck and the white truck and trailer as well as the four individuals to the DPS office in Kingman, Arizona.

17. Your Affiant learned the following information from reviewing information provided by DPS Trooper Link:

- a. On December 06, 2024, at approximately 1:12 p.m., Trooper Link was notified via dispatch that DPS air support had located a white ford truck towing a black trailer at mile marker 74 on Route 66 heading towards Kingman, Arizona. DPS air support also advised the vehicle was loaded with boxes and that a red truck was following the white ford. The red truck was also loaded with boxes.
- b. Trooper Link observed the red truck pass the white truck and conducted a traffic stop on the white truck.
- c. During the traffic stop, Trooper Link took the two occupants, Jimmy Lee HOSTMARK and Sammy Richard BLAKE, into custody.
- d. Trooper Link observed boxes in the trailer had shipping packages visible in plain view. On the shipping label, it showed the package destined for Dick's Sporting Goods and contained men's athletic footwear.

- e. Trooper Link located a cell phone and a pair of blue and white Nike shoes on the bench seat of the truck. The shoes appeared to be brand new and still had the paper packaging in the toe of the shoe.

18. Your Affiant learned the following information from reviewing information provided by DPS Detective Upton:

- a. On December 6, 2024, at approximately 2:07 p.m., Detective Upton pulled behind a red Dodge pickup truck with Arizona plates bearing N3A2YT. The truck had plywood strapped in the bed of the truck that extended higher than the sides of the truck and was packed with boxes clear to the top of the plywood.
- b. Detective Upton followed the red pickup truck until it was westbound on Interstate 40 and initiated a traffic stop at approximately 2:11 p.m.
- c. The driver was identified as William WINEGARDNER, and the passenger was identified as Jennifer JONES.
- d. Detective Upton observed the back seats of the cab were full of Nike shoes.
- e. Detective Upton observed there were two cell phones on the driver's floorboard.
- f. Detective Upton assisted with transporting WINEGARDNER, JONES, and the red pickup truck to the Arizona DPS office in Kingman, Arizona.
- g. After transporting WINEGARDNER to the Arizona DPS office, WINEGARDNER made a spontaneous statement in the presence of Detective Upton regarding the possibility of him [WINEGARDNER] trespassing.

19. Coconino County Sheriff's Office (CCSO) Detective Curtis Peery and your Affiant read Sammy BLAKE his Miranda Rights which was recorded. BLAKE signed a Statement of Rights acknowledging his rights and stated he was willing to be interviewed. Your Affiant learned the following information from BLAKE:

- a. BLAKE lives in Needles, California where he met Pony [William WINEGARDNER] and Jimmy HOSTMARK approximately one to two weeks ago.
- b. On December 5, 2024, BLAKE was driving in the desert when he came upon boxes of Nike shoes. BLAKE told WINEGARDNER and HOSTMARK about the boxes he discovered. They decided to pick up the boxes.
- c. On December 6, 2024, BLAKE, HOSTMARK, and WINEGARDNER left Needles, California in the morning to pick up the boxes. They decided to take the trailer because there were a lot of boxes. They went directly to the location, only stopping for gas and food along the way. BLAKE was the passenger in the white truck towing the black trailer. BLAKE loaded the shoes [into the truck and trailer]. BLAKE took pictures of the shoes when he was at the site and owns a black iPhone.
- d. BLAKE planned on giving the shoes away for Christmas.
- e. BLAKE identified the driver of the red truck as Pony [WINEGARDNER]. He identified the passenger of the red truck as the female [JONES].

20. CCSO Detective Curtis Peery and your Affiant read Jimmy HOSTMARK his Miranda Rights which was recorded. HOSTMARK signed a Statement of Rights acknowledging his rights and stated he was willing to be interviewed. Your Affiant learned the following information from HOSTMARK:

- a. On December 6, 2024, HOSTMARK drove the white truck towing the black trailer. He trimmed trees the morning of December 6, 2024 and went to drop off the branches in a burn pit near his friend's house. After dropping off the branches at the burn pit, HOSTMARK drove down a dirt road and found boxes full of shoes. He picked up the boxes and put them in the back of his truck.

- b. HOSTMARK planned on giving the shoes away for Christmas.
- c. HOSTMARK stated he knew the driver of the red truck as a good friend.
- d. HOSTMARK identified the passenger of the white truck as Sammy BLAKE.

21. CCSO Detective Curtis Peery and your Affiant read William WINEGARDNER his Miranda Rights which was recorded. WINEGARDNER signed a Statement of Rights acknowledging his rights and stated he was willing to be interviewed. Your Affiant learned the following information from WINEGARDNER:

- a. HOSTMARK, BLAKE, and WINEGARDNER met and decided to pick up the shoes.
- b. WINEGARDNER was driving the red pickup truck. He loaded plywood into the truck.
- c. WINEGARDNER picked up Jen [JONES] at the exit to Havasu and went straight to the location, only stopping for gas.
- d. WINEGARDNER stated there were a bunch of shoes near the side of train tracks.
- e. WINEGARDNER planned on driving the shoes back to his girlfriend's house in Needles, California.
- f. WINEGARDNER said his phone, a Motorola, and another phone that does not work were both in the red truck.

22. CCSO Detective Curtis Peery and your Affiant read Jennifer JONES her Miranda Rights which was recorded. JONES signed a Statement of Rights acknowledging her rights and stated she was willing to be interviewed. Your Affiant learned the following information from JONES:

- a. JONES lives in Havasu, Arizona. William [WINEGARDNER] asked JONES if she wanted to go for a ride. She met WINEGARDNER at the Pilot off the Interstate 40 at the exit for Havasu. She was a passenger in

the red pickup truck and saw the white truck with the black trailer at the Pilot but did not know they were with WINEGARDNER.

- b. WINEGARDNER was driving along the railroad tracks on a dirt road when she saw boxes in the bushes. JONES assisted with making the plywood box in the back of the red pickup truck. She saw the white truck towing the black trailer and the three guys loading the boxes. JONES helped push the boxes down and watched to make sure they did not fall out of the truck.
- c. JONES was planning on giving the shoes to her children.

23. On December 6, 2024, JONES signed a consent to search her Samsung Galaxy phone. During the search of her messages, CCSO Detective Curtis Peery saw a message from “Ponyboy” sent on December 6, 2024, at approximately 9:36 am, stating, “U better answer ur phone u have to meet me right now on the 40 at pilot if u want shoes for the kids and ur mom and brother and ur self.”

24. Your Affiant observed in plain view approximately 50 master cases of Nike shoes in the bed of the white pickup truck and black trailer as well as approximately 20 master cases of Nike shoes in the bed of the red pickup truck.

- a. Your Affiant observed the style number HF5441-107 on the Nike shoe master cases. Open-source research shows that style HF5441-107 are unreleased Nike Dunk Low “Midnight Navy” shoe with an approximate manufacturer's suggested retail price of \$115.00 per pair.
- b. Your Affiant knows that each Nike shoe master case contains six pairs of Nike shoes. It is estimated there is approximately \$34,500 worth of stolen Nike shoes within the white pickup truck and trailer based on the estimated amount of Nike shoe master cases. It is estimated there is approximately \$13,800 worth of stolen Nike shoes within the red pickup truck based on the estimated amount of Nike shoe master cases.

25. Your Affiant learned from Agent Porter that the Nike shoes were stolen from container KOCU4776386 which was onboard BNSF train QLACLPC603L. Your Affiant conducted Department of Homeland Security import research related to container KOCU4776386 and learned the following:

- a. On November 09, 2024, container KOCU4776386 was shipped on the Motor Vessel HMM EMERALD aboard voyage 4E that traveled from Pusan, Republic of Korea, and arrived at the Los Angeles, California, Seaport on November 21, 2024.
- b. After its arrival, container KOCU4776386 was transferred to BNSF train QLACLPC603L for transportation along the transcontinental railroad to Logistics Park, Chicago, Illinois.

Jimmy Lee HOSTMARK

26. Your Affiant conducted law enforcement checks and learned Jimmy HOSTMARK is a United States citizen. HOSTMARK has the following criminal history:

- a. 1984 – Convicted for malicious mischief/vandalism – Misdemeanor
- b. 1987 – Convicted for possess/manufacture/sell dangerous weapon – Misdemeanor
- c. 1990 – Convicted for possess controlled substance – Felony
- d. 1995 – Convicted for felon/addict possess firearm – Unknown severity
- e. 1997 – Convicted for felon/addict possess firearm – Felony
- f. 1998 – Convicted for inflict corporal injury – Misdemeanor // Cruelty to child – Misdemeanor
- g. 2003 – Convicted for burglary – Misdemeanor
- h. 2004 – Convicted for disturbs by loud/unreasonable noise – Misdemeanor
- i. 2008 – Convicted for weapon offense – Felony

- j. 2019 – Convicted for inflict corporal injury – Misdemeanor // Exhibit
deadly weapon not firearm – Misdemeanor

Sammy Richard BLAKE

27. Your Affiant conducted law enforcement checks and learned Sammy BLAKE is a United States citizen. BLAKE has the following criminal history:

- a. 1987 – Convicted for theft – Misdemeanor
- b. 1999 – Convicted for DUI alcohol/drugs – Misdemeanor
- c. 2009 – Convicted for DUI – Misdemeanor
- d. 2010 – Convicted for criminal damage – Misdemeanor

William Dean WINEGARDNER aka “Pony”

28. Your Affiant conducted law enforcement checks and learned William WINEGARDNER is a United States citizen. WINEGARDNER has the following criminal history:

- a. 2003 – Convicted for reckless driving (plea to 23103 in lieu of) – Misdemeanor
- b. 2005 – Convicted for possess control substance for sale – Felony
- c. 2006 – Convicted for possess controlled substance – Felony
- d. 2007 – Convicted for transport/etc controlled substance – Misdemeanor
- e. 2010 – Convicted for possess control substance for sale – Felony // Possess marijuana for sale – Misdemeanor
- f. 2012 – Convicted for DUI alcohol/drugs – Misdemeanor // Transport/etc controlled substance – Felony // Transport/Sell narcotic/controlled substance - Felony
- g. 2017 – Convicted for felon/addict poss/etc firearm – Felony // Possess control substance for sale – Felony // Prohibited own/etc ammo/etc – Felony // Possess control substance for sale – Felony
- h. 2019 – Convicted for possess control substance for sale – Felony // possess control substance for sale - Felony

Jennifer Diane JONES

29. Your Affiant conducted law enforcement checks and learned Jennifer JONES is a United States citizen. JONES has the following criminal history:

- a. 2004 – Convicted for receive/etc known stolen property – Misdemeanor
- b. 2009 – Convicted for cruelty to child – Misdemeanor
- c. 2024 – Convicted for operating while intoxicated – Misdemeanor
- d. 2024 – Convicted for driving while license suspended or revoked – Misdemeanor

CONCLUSION

30. For these reasons, your Affiant submits that there is probable cause to believe Jimmy Lee HOSTMARK, Sammy Richard BLAKE, William Dean WINEGARDNER aka “Pony”, and Jennifer Diane JONES committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment and Aid and Abet, in violation of Title 18, United States Code (U.S.C.) § 659 and 2.

31. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

BRYNNA M
COOKE

Digitally signed by BRYNNA M
COOKE
Date: 2024.12.09 11:17:44 -07'00'

Brynna Cooke
Special Agent
Homeland Security Investigations

Sworn to and subscribed electronically this 9 day of December, 2024.

Camille D.

Digitally signed by Camille D.
Bibles

Bibles

Date: 2024.12.09 12:45:38
-07'00'

HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge